

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of the Commission's Part 90 Rules in	)	WT Docket No. 06-49
The 904-909.75 and 919.75-928 MHz Bands	)	
	)	

To: The Commission

**REPLY COMMENTS OF TELETRAC, INC.**

Teletrac, Inc. and its wholly owned subsidiary Teletrac License, Inc. (jointly, "Teletrac"), by their attorney, hereby submit their reply comments in the above-captioned proceeding.<sup>1</sup>

Teletrac holds grandfathered site-based multilateration Location and Monitoring Service ("M-LMS") licenses and, since the mid-1990s, has offered uninterrupted commercial M-LMS service in six of the nation's largest metropolitan areas. Federal, state, and local government agencies subscribe to location services using Teletrac's M-LMS technology for fleet management, law enforcement and public safety purposes. Large and small private corporations with a need for precise and reliable fleet management and location also depend upon M-LMS service from Teletrac. In its comments, Teletrac urged the Commission to allow grandfathered M-LMS licensees to elect to continue operations under present M-LMS rules, rather than being required to replace its existing infrastructure to accommodate a very different service. As discussed below, the initial comments filed in this proceeding show no valid reason for disrupting existing Teletrac service upon which the public relies.

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<sup>1</sup> *Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands*, Notice of Proposed Rulemaking, WT Docket No. 06-49 (rel. Mar. 1, 2006).

**I. Part 15 Interests Advance No Objections to the Continued Operation of Grandfathered M-LMS Systems Under Present M-LMS Rules.**

A wide range of users and manufacturers of Part 15 devices filed comments in this proceeding. None raised any objection to M-LMS operation under the present M-LMS rules that govern Teletrac's operation as a grandfathered system. Furthermore, although Teletrac has operated for more than ten years in its current metropolitan markets and operated for several years in an additional twenty major metropolitan areas, no comments cited any documented instance of interference to lawful Part 15 operations from Teletrac's system. Teletrac itself is aware of no such incidents. Part 15 parties cited no difficulties presented by the present M-LMS rules and, indeed, uniformly favored continuation of those rules. Extensive experience thus shows that Teletrac's system coexists seamlessly with Part 15 operations. Accordingly, if existing grandfathered M-LMS licensees like Teletrac elect to continue operating under existing technical rules and service restrictions, there is no reason why the Commission should force the disruption of existing service and the replacement of Teletrac's existing infrastructure.

**II. No Unconstructed Geographic Licensee Has Suggested Any Reason Why Grandfathered M-LMS Licensees Could Not Continue to Operate Under Existing Rules.**

Several parties that hold unconstructed geographic LMS licenses filed comments. None of these parties suggested any reason why existing grandfathered M-LMS licensees like Teletrac should not be allowed to continue to operate under present technical and service rules if they should so elect.

This is no surprise. All geographic M-LMS licensees bid for their spectrum at auction with the express understanding that grandfathered M-LMS licensees would continue to operate their systems. The Commission required Teletrac, in connection with the M-LMS spectrum

auctions, to place extensive data on its operating contours in the public record. Thus, these licensees have no basis for concerns about grandfathered operations.

### **III. The Proposal of New America Foundation to Terminate a Licensed and Operating Service Contravenes Fundamental Commission Policies and Lacks Any Rational Basis.**

The New America Foundation (“NAF”) urges the Commission to terminate the M-LMS service completely, including grandfathered M-LMS systems such as the Teletrac systems that, as explained above, actively provide service in several major metropolitan areas. There is no basis for this notion. Of the more than forty other parties filing comments, none supported such a radical and destructive plan.

NAF claims that it wants to eliminate all M-LMS operations to avoid interference to Part 15 devices. Part 15 users and manufacturers, however, uniformly support continuation of the current M-LMS rules and confirm that the existing rules provide enough protection to allow Part 15 devices in the 902-928 MHz band to operate without interference. NAF itself does not contend that operation of grandfathered M-LMS systems negatively affect Part 15 operations in any way whatsoever. Under these circumstances, NAF’s call for a wholesale termination of the M-LMS service, including operating grandfathered systems with subscribers depending on them, lacks any rational basis. Teletrac’s subscribers would lose the existing service on which they depend, with no commensurate benefit to the public interest.<sup>2</sup>

Second, NAF’s proposal contravenes the Commission’s well-established policies set forth in its *Emerging Technologies* proceedings, under which the Commission has committed to

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<sup>2</sup> NAF’s notion that the Commission must remove a licensed service from the 902-928 MHz band to avoid interference to Part 15 devices contrasts strikingly with its comments in ET Docket 02-380, in which NAF touted the ability of Part 15 devices to coexist and thrive in the same band as digital broadcast television, a continuously transmitting, high-power service. *See* Comments of New America Foundation, ET Docket No. 02-380, filed April 17, 2003.

sustaining services on which the public relies. Under that policy, the Commission requires proponents of emerging technologies to bear the financial burden of successfully relocating and maintaining displaced incumbent licensees and services<sup>3</sup> to ensure that incumbents can provide the same level of service following their relocation.<sup>4</sup> Since the introduction of the *Emerging Technologies* policy in 1992, the Commission consistently has reiterated and reinforced that policy in virtually every spectrum relocation proceeding. In particular, the Commission has extended the *Emerging Technologies* policy to relocations for Personal Communications Service (PCS) licensees,<sup>5</sup> Mobile Satellite Service (MSS) licensees,<sup>6</sup> 18 GHz Fixed Satellite Service (FSS) licensees,<sup>7</sup> Advanced Wireless Service (AWS) licensees,<sup>8</sup> and 800 MHz services.<sup>9</sup> Even

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<sup>3</sup> *Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies*, First Report and Order and Third Notice of Proposed Rulemaking, 7 FCC Rcd 6886 ¶ 24 (1992) (“If an emerging technology provider needs an incumbent’s frequency . . . the emerging technology service provider must guarantee payment of all relocation expenses, build the new microwave facilities at the relocation frequencies, and demonstrate that the new facilities are comparable to the old . . .”) [hereinafter *Emerging Technologies*].

<sup>4</sup> See *id.* See also *Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems*, Eighth Report and Order, Fifth Notice of Proposed Rule Making and Order, 20 FCC Rcd 15866 ¶ 16 (2005) (“[I]ncumbents must be provided with replacement facilities that allow them to maintain the same service in terms of: (1) throughput – the amount of information transferred within the system in a given amount of time; (2) reliability – the degree to which information is transferred accurately and dependably within the system; and (3) operating costs – the cost to operate and maintain the system.”); *Emerging Technologies* at ¶¶ 1, 30 (“The transition plan . . . is intended to prevent disruption of existing . . . services and minimize the economic impact on the licensees of those services . . . . See also *Amendment to the Commission’s Rules Regarding a Plan for Sharing the Costs of Microwave Relocation*, First Report and Order and Further Notice of Proposed Rule Making, 11 FCC Rcd 8825 ¶ 32 (1996) (“[O]ur goal is to ensure that incumbents are no worse off than they would be if relocation were not required . . .”).

<sup>5</sup> See *supra* *Emerging Technologies*.

<sup>6</sup> See *Amendment of Section 2.106 of the Commission’s Rules to Allocate Spectrum at 2 GHz for use by the Mobile-Satellite Service*, Second Report and Order and Second Memorandum Opinion and Order, 15 FCC Rcd 12315 ¶ 27 (2000) (“*MSS Proceeding*”).

<sup>7</sup> *Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use*, Report and Order, 15 FCC Rcd 13340 (2000).

<sup>8</sup> *Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems*, Ninth Report & Order and Order, ET Docket No. 00-258, FCC 06-45 ¶ 15 (2006).

in advancing such new technologies, however, the Commission maintained that it is “essential” to “ensure the continuity” and “minimize the disruption” of the incumbent services.<sup>10</sup>

NAF simply and unaccountably ignores the Commission’s *Emerging Technologies* policy. Absent a wholesale rejection of this long-standing policy, the Commission cannot terminate an existing service without provision for relocating the incumbent service at the expense of proponents of the emerging use. In this instance, relocation of grandfathered M-LMS services would entail enormous expense and, given that the present service demonstrably co-exists smoothly with Part 15 users, any relocation, even if technically and economically feasible, would be entirely unnecessary and wasteful.

#### **IV. Conclusion**

The development and implementation of Teletrac’s M-LMS service has entailed substantial capital investment and labor over many years for the development and deployment of transmission equipment, the development and adjustment of the interface between the system’s radiofrequency equipment and the associated mapping and display technology, and the installation of subscriber mobile units and an extensive system of subscriber interface equipment for fleet management, location and reporting. For over a decade, Teletrac, a pioneer in the industry, has offered the public precisely the type of location and monitoring service that the Commission’s rules envisioned. The Commission now should respect Teletrac’s status as a constructed and operational grandfathered system licensee and a pioneer in M-LMS. Whatever new rules the Commission might see fit to adopt in this proceeding for geographic-based

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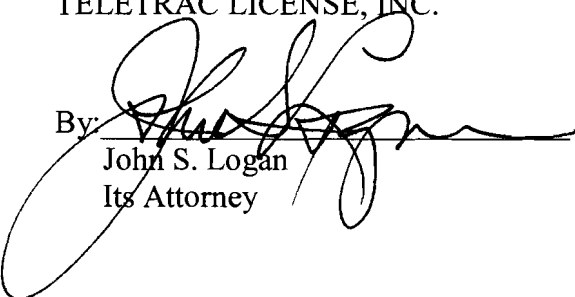
<sup>9</sup> *Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Report and Order, Fourth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004).

<sup>10</sup> MSS Proceeding, *supra*, at ¶ 28.

M-LMS licensees, the Commission should (1) allow grandfathered licensees like Teletrac to elect to continue operating under present M-LMS rules and (2) adopt provisions, as set forth in Teletrac's comments, to allow flexibility in site relocation within the established contours of the site-based licensee's existing service area. No comments in this proceeding have shown any valid reason why the Commission should not continue to allow grandfathered licensees like Teletrac to continue to serve the public under the technical rules and service rules that now apply to them.

Respectfully submitted,

TELETRAC, INC.  
TELETRAC LICENSE, INC.

By:   
John S. Logan  
Its Attorney

Dow Lohnes PLLC  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036  
(202) 776-2000

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